IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Tetsuji SHONO

Appln. No. : 10/815,194

Group Art Unit: 2612

Examiner: John M. VILLECCO

Filed

April 1, 2004

For

DIGITAL CAMERA WITH MOVEABLE IMAGE PICKUP DEVICE

## TERMINAL DISCLAIMER

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Your petitioner, PENTAX Corporation, a corporation under the laws of Japan, whose business address is 2-36-9 Maeno-Cho, Itabashi-Ku, Tokyo, Japan, represents that it is the owner of record of the entire right, title and interest of the above-identified application by virtue of an assignment recorded in the U.S. Patent and Trademark Office on April 1, 2004 at Reel 015174, Frame 0779 of U.S. Application No. 10/815,194 (hereinafter '194) for Digital Camera With Moveable Image Pickup Device.

The undersigned representative is authorized to act on behalf of the assignee, and it is certified that to the best of the undersigned's knowledge and belief, title is in the assignee.

Your petitioner, PENTAX Corporation, hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of any patent granted on co-pending U.S. Application No. 10/815,193, and hereby agrees that any patent so granted on the above-identified ('194) application shall be enforceable only for and during such period that the legal title to said patent stricts 100000091 10815194

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shall be the same as the legal title to co-pending US Application No. 10/815,193, this agreement

to run with any patent granted on the above-identified ('194) application and to be binding upon

the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above

identified (194) application prior to the expiration date of the full statutory term as defined in 35

U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer of any patent

granted on co-pending US Application No. 10/815,193 in the event that it later: expires for

failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed

in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a

reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full

statutory term as presently shortened by any terminal disclaimer, except for the failure of

common ownership stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that

all statements made on information and belief are believed to be true; and further, that these

statements are made with the knowledge that willful false statements, and the like so made, are

punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States

Code, and that such willful false statements may jeopardize the validity of the application or any

patent issuing thereon.

Respectfully submitted, Tetsuji SHONO

Name Zenichi OHKURA

Director

Title

17. Feb, 2006

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## T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT 11-Jun-07 10815194 Date: APPL. S. N: To Examiner: VILLECCO, JOHN Art Unit 2622 Logan, Rugenia Return This Memo To: Case JEF-2D68 From Drop-Off Location PARALEGAL SPCECIALIST SUBJECT: Decision on Terminal Disclaimer(T.D.) filed: INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU. $\Box$ The T.D. is PROPER and has been recorded (see 14.23). The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24): The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01). The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory П double patenting rejection, Rule 321(b) (see 14.27.01). The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02). The person who signed the T.D.: is not an attorney "of record" (see 14.29 and 14.29.01). has failed to state his/her capacity to sign for the business entity (see 14.28). is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02). No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30). The T.D. is not signed (see 14.26 & 14.26.03). The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32). The serial number of this application (or the number of the patent in reexam or reissue cases being $\Box$ disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05). П The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03). Other: Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

and do not check this item.

\_\_\_\_\_ Date:\_\_

Log Date: